

REPORT OF THE EXECUTIVE OFFICER  
State Allocation Board Meeting, January 26, 2005

WILLIAMS SETTLEMENT - MODIFICATIONS TO THE SCHOOL FACILITY PROGRAM AND DEFERRED  
MAINTENANCE PROGRAM AS A RESULT OF THE WILLIAMS SETTLEMENT

PURPOSE OF REPORT

To request:

- Adoption of amendments to the School Facility Program (SFP) and the Deferred Maintenance Program (DMP) regulations in order to implement Senate Bill (SB) 6 and SB 550.
- Authorization to file the proposed emergency regulations with the Office of Administrative Law (OAL).

DESCRIPTION

SB 6, Chapter 899, Statutes of 2004 (Alpert), and SB 550, Chapter 900, Statutes of 2004 (Vasconcellos), were enacted as part of the settlement agreement in the case of *Williams v. State of California*. The School Facilities Needs Assessment Grant Program (SFNAGP) and the Emergency Repair Program (ERP) were created through the passage of SB 6. These programs provide funding for school districts and county offices of education to perform a one-time comprehensive facilities needs assessment and for reimbursement of eligible costs for emergency repairs to mitigate specific conditions that pose a threat to the health and safety of pupils and staff at eligible school sites. During the implementation of SB 6, it was determined that financial hardship districts may be adversely affected under the School Facility Program by accessing SB 6 funding. Therefore, SFP Regulation Section 1859.81(a) *Financial Hardship* has been revised (see Attachment A) to accommodate financial hardship districts that receive SFNAGP and ERP funding.

SB 550 requires the Office of Public School Construction (OPSC) to define "good repair" by developing the Interim Evaluation Instrument. In addition, school districts are required to establish a school facilities inspection system as a condition of participation in the SFP and the DMP, pursuant to Education Code Section 17070.75(e). The purpose of the inspection system is to ensure that schools are kept in good repair. To meet this requirement, school districts will be required to certify that an inspection system has been established. The OPSC has included a certification to the following forms (see Attachment B):

- *Deferred Maintenance Five Year Plan*, (Form SAB 40-20)
- *Application for Funding*, (Form SAB 50-04)
- *Application for Joint-Use Funding*, (Form SAB 50-07)
- *Application for Charter School Preliminary Apportionment*, (Form SAB 50-09)

EC 17592.73 states that the SAB may amend its regulations, including School Facility Program and Deferred Maintenance Program regulations, as it deems necessary to implement the provisions of these statutes. Statute further provides that these regulations may be adopted as emergency regulations.

RECOMMENDATIONS

1. Adopt the proposed regulations as shown on the Attachments and begin the regulatory process.
2. Authorize the OPSC to file these emergency regulations with the OAL.